REMARKS/ARGUMENTS

Claims 29-46 are now pending in this application. Applicants have canceled claims 1-28 without prejudice or disclaimer to the subject matter contained therein. Applicants reserve the right to file continuations and/or divisionals directed to the subject matter of these claims.

Support for new claims 29-46 can be found in the specification as a whole, and claims 1-28, specifically. No new matter has been introduced by these amendments.

I. Objection Under 35 U.S.C. § 132

Claims 25 and 28 have been objected to as containing new matter. It is alleged that there is no support for the term "FcεRII". Applicants respectfully disagree. Although Applicant has canceled claims 25 and 28, this rejection should not apply to new claims 29-46.

The application discloses and claims determinants that target and bind to ITIMs. It is well known that FcεRII contains an ITIM and thus is inherently disclosed by the application. Moreover, FcεRII is specifically disclosed as an inhibitory receptor at page 18, line 11. Thus, no new matter has been introduced by the addition of new claims 29-46, and the objection should be withdrawn.

II. Rejections Under 35 U.S.C. § 112, First Paragraph

A. Claims 1-9, 14, and 18-19 have been rejected as lacking written description for determinants other than antibodies or antibody fragments. Although Applicants respectfully disagree, in order to expedite prosecution, new claims 29-46 are directed to bispecific antibodies, or a binding fragment thereof, and th ir us . Applicants

assert that this rejection does not apply to these new claims. Thus, this rejection is now moot and Applicants request that the rejection be withdrawn.

B. Claims 1-9, 14, and 18-19 have been rejected as lacking enablement for determinants other than antibodies or antibody fragments. Although Applicants respectfully disagree, in order to expedite prosecution, new claims 29-46 are directed to bispecific antibodies, or a binding fragment thereof, and their use. Applicants assert that this rejection does not apply to these new claims. Thus, this rejection is now moot and Applicants request that the rejection be withdrawn.

III. Rejections Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 1-9, 14, 18-19 is moot in view of the cancellation of these claims, and Applicants request the rejection be withdrawn. However, as this rejection applies to new claims 29-46, Applicants have the following comments in order to expedite prosecution.

The Office asserts that "it is unclear whether "ITAM" and "ITIM" module refers to the actual ITAM and ITIM motif contained in an immunoreceptor or whether the applicant intends to encompass determinants that bind to the entire immunoreceptor molecule that comprises the ITAM or ITIM module" (OA at page 8).

Applicants contend that it is clear to a skilled artisan that when one targets an epitope within a receptor, in this case the ITAM or the ITIM, the antibody may bind to a region extending beyond just the specific epitope. However, by defining the epitope within the receptor that the antibody recognizes, a skilled artisan would readily

understand the metes and bounds of the claims, and know whether a given antibody falls within the claims or not. Thus, this rejection should not be applied to claims 29-46.

IV. Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 7-9, 14, 24, and 26-27 have been rejected as anticipated by Daeron et al. (EP 0861 891). The Office asserts that Daeron et al. teach bispecific antibodies capable of crosslinking a stimulatory ITAM and a KIR or KIR homologue, such as gp49B1, which contains an ITIM.

Although claims 1, 2, 7-9, 14, 24, and 26-27 have been canceled and this rejection is now moot, Applicants assert that this rejection does not apply to any newly added claim. Daeron et al. teach that other ITIMs do not function in the same manner as KIR, and he specifically highlights the differences between KIR and other ITIMs, such as FcγRIIB and gp49B1. Applicants have excluded KIR from the claims, and thus the '891 application cannot anticipate the presently claimed invention.

Applicants respectfully request that the rejection be withdrawn.

V. Rejections Under 35 U.S.C. § 103(a)

Claims 4 and 18 have been rejected as unpatentable over Daeron et al. (EP 0 861 891) in view of Arm et al. (J Immunol. Vol 159, 2342-2349 (1997)). The Office alleges that Daeron et al. teach bispecific antibodies which include antibodies capable of crosslinking an ITAM receptor and a KIR or KIR homologue (gp49B). Arm et al. teach that HM18 is the human homologue of gp49B. Therefore, the Office asserts that the present invention would have been obvious to one of ordinary skill in the art.

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Applicants respectfully traverse this rejection. Although claims 4 and 18 have been cancelled and this rejection is now moot, Applicants assert that this rejection does not apply to any newly added claim. Daeron et al. teach that other ITIMs do not function in the same manner as KIR, and he specifically highlights the differences between KIR and other ITIMs, such as FcγRIIB and gp49B1. Applicants have excluded KIR from the claims, and thus the '891 application not render the presently claimed invention obvious.

Applicants respectfully request that the rejection be withdrawn.

In view of the foregoing amendments and remarks, Applicants assert that the application is in condition for allowance and request a notice of same.

Respectfully Submitted,

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